

ASSEMBLY BILL

No. 1132

Introduced by Assembly Member Smyth

February 18, 2011

An act to amend Section 21221 of the Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1132, as introduced, Smyth. Public employees' retirement.

The Public Employees' Retirement Law provides a comprehensive set of rights and benefits based upon age, service credit, and final compensation to members of the Public Employees' Retirement System. Any person who has been retired under the system is generally prohibited from being employed in any capacity unless he or she is first reinstated from retirement, except as authorized. Existing law authorizes a retired person to serve without reinstatement from retirement or loss or interruption of benefits provided by the Public Employees' Retirement System as a member of any board, commission, or advisory committee, as specified.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21221 of the Government Code is
2 amended to read:

1 21221. A retired person may serve without reinstatement from
2 retirement or loss or interruption of benefits provided by this
3 system, as follows:

4 (a) As a member of any board, commission, or advisory
5 committee, upon appointment by the Governor, the Speaker of the
6 Assembly, the President pro Tempore of the Senate, director of a
7 state department, or the governing board of the contracting agency.
8 However, the appointment shall not be deemed employment within
9 the meaning of Division 4 (commencing with Section 3200) and
10 Division 4.5 (commencing with Section 6100) of the Labor Code,
11 and *the appointment* shall not provide a basis for the payment of
12 workers' compensation to a retired state employee or to his or her
13 dependents.

14 (b) As a school crossing guard.

15 (c) As a juror or election officer.

16 (d) As an elective officer on and after September 15, 1961.
17 However, all rights and immunities which may have accrued under
18 Section 21229 as it read prior to that section's repeal during the
19 1969 Regular Session of the Legislature are hereby preserved.

20 (e) As an appointive member of the governing body of a
21 contracting agency. However, the compensation for that office
22 shall not exceed one hundred dollars (\$100) per month.

23 (f) Upon appointment by the Legislature, or either house, or a
24 legislative committee to a position deemed by the appointing power
25 to be temporary in nature.

26 (g) Upon employment by a contracting agency to a position
27 found by the governing body, by resolution, to be available because
28 of a leave of absence granted to a person on payroll status for a
29 period not to exceed one year and found by the governing body to
30 require specialized skills. The temporary employment shall be
31 terminated at the end of the leave of absence. Appointments under
32 this section shall be reported to the board and shall be accompanied
33 by the resolution adopted by the governing body.

34 (h) Upon appointment by the governing body of a contracting
35 agency to a position deemed by the governing body to be of a
36 limited duration and requiring specialized skills or during an
37 emergency to prevent stoppage of public business. These
38 appointments, in addition to any made pursuant to Section 21224,
39 shall not exceed a total for all employers of 960 hours in any fiscal
40 year. When an appointment is expected to, or will, exceed 960

1 hours in any fiscal year, the governing body shall request approval
2 from the board to extend the temporary employment. The
3 governing body shall present a resolution to the board requesting
4 action to allow or disallow the employment extension. The
5 resolution shall be presented prior to the expiration of the 960 hour
6 maximum for the fiscal year. The appointment shall continue until
7 notification of the board's decision is received by the governing
8 body. The appointment shall be deemed approved if the board fails
9 to take action within 60 days of receiving the request.
10 Appointments under this subdivision may not exceed a total of 12
11 months.

12 (i) Upon appointment by the Administrative Director of the
13 Courts to the position of Court Security Coordinator, a position
14 deemed temporary in nature and requiring the specialized skills
15 and experience of a retired professional peace officer.